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8 Attorneys for Defendant  
9 DEVRY UNIVERSITY, INC.

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA  
12

13 BRUCE RORTY,  
14  
15 Plaintiff,  
16 v.

17 UNIVERSITY ALLIANCE ONLINE, a  
division of BISK EDUCATION, INC.,  
a Florida corporation; DEVRY  
18 UNIVERSITY, INC., and Illinois  
Corporation; CLICKSPARK, LLC, a  
19 New York domestic LLC; and DOES 1  
to 100,  
20 Defendant.

Case No. **2:17-cv-2117**

**DEFENDANT DEVRY  
UNIVERSITY, INC.'S NOTICE  
OF REMOVAL OF CIVIL  
ACTION TO THE UNITED  
STATES DISTRICT COURT**

(Pursuant To 28 U.S.C. § 1331 –  
Federal Question)

1           **TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL**  
 2           **DISTRICT OF CALIFORNIA AND TO PLAINTIFF AND HIS**  
 3           **ATTORNEYS OF RECORD:**

4           **PLEASE TAKE NOTICE THAT**, pursuant to 28 U.S.C. §§ 1331, 1441(a),  
 5           and 1446, DeVry University, Inc. (“DeVry”), hereby removes the above captioned  
 6           case, which was filed and currently is pending in the Superior Court of the State of  
 7           California, County of Los Angeles, Case No. 16K00055 (the “Action”), to the  
 8           United States District Court for the Central District of California. In support of its  
 9           Notice of Removal, DeVry states as follows:

10                               **REMOVAL IS TIMELY**

11           1.     Removal is Timely. The Summons and Complaint (“Complaint”)  
 12           were personally served on February 14, 2017. DeVry filed its Answer to the  
 13           Complaint in State Court on March 16, 2017. DeVry has timely filed this Notice  
 14           of Removal pursuant to 28 U.S.C. § 1446(b) because it has filed it within 30 days  
 15           of receipt by, and service on, DeVry of the Complaint, and within one year after  
 16           “commencement of the action” in state court. Pursuant to 28 U.S.C. § 1446(a),  
 17           true and correct copies of the Summons, Complaint, and DeVry’s Answer are  
 18           attached as Exhibit A

19           2.     This Court Has Removal Jurisdiction Over This Action. The Action  
 20           is a civil action of which this Court has original jurisdiction under 28 U.S.C.  
 21           § 1331 and is one that DeVry may remove to this Court pursuant to the provisions  
 22           of 28 U.S.C. § 1441(b) in that Bruce Rorty (“Plaintiff”) alleges violations of the  
 23           Telephone Consumer Protection Act, 47 U.S.C. § 227 (the “TCPA”) (*see* Compl.  
 24           ¶¶ 17-31), a claim that is created by, and arises under, federal law. *See Mims v.*  
 25           *Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 748 (2012) (holding that the TCPA’s  
 26           permissive grant of jurisdiction to state courts does not deprive the United States  
 27           district courts of federal-question jurisdiction over private TCPA suits, and that a  
 28           TCPA claim, “in 28 U.S.C. § 1331’s words, plainly ‘aris [es] under’ the ‘laws . . .

of the United States”). To the extent any other claims in the Action arise under state law, including the California Invasion of Privacy Act, Cal . Penal Code §§ 632.7 & 637.2 (*see* Compl. ¶¶ 12-16), supplemental jurisdiction over such claims exists pursuant to 28 U.S.C. §§ 1367 and 1441(c).

3. Proper Jurisdiction. This Court is the proper district court for removal because the Superior Court of the State of California for the County of Los Angeles is located within the United States District Court for the Central District of California.

4. Joinder By The Other Defendants In This Action Is Not Required. Defendants who are not properly served are not required to join in a petition for removal. *See Destfino v. Reiswig*, 630 F.3d 952, 957 (9th Cir. 2011). Plaintiff’s counsel has informed DeVry’s counsel that, as of the date of this Notice of Removal, the other defendants in this action, University Alliance Online, a division of Bisk Education, Inc., and Clickspark, LLC (together, the “Co-defendants”), have not been served with the Complaint. Moreover, according to the Superior Court online docket no proof of service of the Complaint on the Codefendants has been filed in the Action. Therefore, the Co-defendants’ consent or joinder to this Notice of Removal is not required.

5. Notice Has Been Effected. DeVry is filing a copy of this Notice of Removal of Action with the Superior Court of the State of California for the County of Los Angeles. DeVry will promptly serve Plaintiff with copies of this Notice of Removal and the Notice filed in the Action.

DATED: March 16, 2017

SEYFARTH SHAW LLP

By: /s/ Joseph A. Escarez

Joseph A. Escarez

Attorneys for Defendant  
DEVRY UNIVERSITY, INC.